

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)
REGARDING THE AMENDMENT OF
THE 2016 CALIFORNIA GREEN BUILDING STANDARDS (CALGREEN)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

(HCD 03/16)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The HCD is proposing building standards related to California Green Building Standards (CALGreen).

PUBLIC COMMENT PERIOD

(Gov. Code, § 11346.5, subd. (a)(17).)

A public hearing has not been scheduled; however, written comments will be accepted from March 17, 2017 until 5 P.M. on May 1, 2017. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Mia Marvelli, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

(Gov. Code, § 11346.5, subd. (a)(18).)

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

(Gov. Code, § 11346.5, subd. (a)(2).)

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and 19960-19998; and Government Code Sections 12955.1 and 12955.1.1.

HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.2 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

(Gov. Code, § 11346.5, subd. (a)(3).)

Summary of Existing Laws

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment or repeal of building standards to the CBSC.

Health and Safety Code Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "...the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation and maintenance of all employee housing".

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

Summary of Existing Regulations

The 2016 California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations (CCR), also known as the California Building Standards Code, became effective on January 1, 2017.

Summary of Effect

HCD proposes to amend the 2016 edition of the California Green Building Standards Code (CALGreen) into Title 24, Part 11 of the California Code of Regulations for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Factory-Built Housing Law: relative to residential buildings, dwellings, or portions thereof or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The standards provide consistency with the California Building Standards Code format, state and

federal laws and regulations, and address unique California conditions. In addition, the regulations provide clarity and specificity, and give direction for the code user. A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

Currently there are no federal regulations for mandatory electric vehicle infrastructure installations. Assembly Bill 1092 (Ch. 410, Stats of 2013) directed HCD to develop mandatory EV standards for multifamily housing. The proposed building standard for hotels/motels is similar to the requirements for multifamily charging infrastructure. In addition, this regulation supports Governor Brown's Executive Order B-16-2012 to provide charging infrastructure to support 1 million zero emission vehicles (ZEV) by 2020 and to have 1.5 million ZEVs on California roads by 2025.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of General Design, Structural and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents, sustaining California's natural resources by reduction in energy, reduction in greenhouse gas emissions, and less dependency on fossil fuel. Also, providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

Evaluation of consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

(Gov. Code, § 11346.5, subd. (a)(4).)

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Gov. Code, § 11346.5, subd. (a)(5).)

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts, and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

(Gov. Code, § 11346.5, subd. (a)(6).)

- A. Cost or Savings to any state agency: **Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards by the California Building Standards Commission (CBSC). At the direction of the Governor, HCD collaborated with the CBSC and other state agencies to develop green building standards. This action will result in a minimal cost to HCD which will be absorbed in the current budget.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Gov. Code, § 11346.5, subd.(a)(8).)

HCD has made an initial determination that the proposed action of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

(Gov. Code, § 11346.5, subd.(a)(8).)

HCD has determined that there are minimal facts, evidence, documents, testimony or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Gov. Code, § 11346.5, subd.(a)(11))

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Gov. Code, § 11346.5, subd.(a)(9).)

Estimated Statewide Dollar Costs for Businesses and Individuals

A statewide cost of \$2.1 million to \$2.5 million was estimated due to implementation of this regulation from mid-2018 to the end of 2020. The proposed building standard would require installation of EV charging infrastructure in approximately 6 percent of total parking spaces in new hotels/motels. The estimated statewide dollar costs are based on the estimated cost of approximately \$800 per parking space for a projected installation of EV charging infrastructure in 2,600 to 3,100 parking spaces.

The suggested code changes would require new hotel/motel buildings with parking lots that have 10 parking spaces or more to install EV charging infrastructure. More than 70 percent of new commercial buildings are estimated to be 10,000 square feet or smaller. The typical size parking lot for these buildings is under 50 parking spaces. As a result, the initial cost for a typical business is estimated to be about \$800 to \$1,600, which would be the cost to install EV charging infrastructure for only one or two parking spaces.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Gov. Code, § 11346.5, subd.(a)(10))

HCD has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.

These regulations may affect the creation of jobs related to some special trade construction but no jobs are expected to be eliminated within the State of California.

- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations may affect the creation of businesses such as some special trade construction but no businesses are expected to be eliminated within the State of California.

- ☐ The expansion of businesses currently doing business with the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

- ☐ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency:

The specific benefits of the regulations related to electric vehicle charging infrastructure include facilitating large scale deployment of zero emission vehicles, which will sustain California's natural resources by the reduction of energy use, reduction in greenhouse gas emissions, and less dependency on fossil fuels. The benefit also includes \$7.5 million to \$18.8 million in avoided retrofit costs statewide to implement electric vehicle charging.

(See Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

(Gov. Code, § 11346.5, subd.(a)(12))

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The electric vehicle charging infrastructure requirements are directed to hotels and motels and not private or rental housing. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. *(See Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)*

CONSIDERATION OF ALTERNATIVES

(Gov. Code, § 11346.5, subd.(a)(13))

HCD has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

(Gov. Code, §§ 11346.5, subd.(a)(16) and (a)(20))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/> ; in addition, the rulemaking documents will be posted on HCD's website:
<http://www.hcd.ca.gov/codes/state-housing-law/>

(Gov. Code, § 11346.5, subd.(a)(19))

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

(Gov. Code, § 11346.5, subd.(a)(21))

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

(Gov. Code, § 11346.5, subd.(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Stoyan Bumbalov, District Representative II
Housing and Community Development, Division of Codes and Standards
Telephone: (916) 263-4715
E-mail: Stoyan.Bumbalov@hcd.ca.gov
Fax: (916) 327-4712

Emily Withers, Codes and Standards Administrator II
Housing and Community Development, Division of Codes and Standards
Telephone: (916) 263-2998
E-mail: Emily.Withers@hcd.ca.gov
Fax: (916) 327-4712